



## Newsletters

### The Lawyers' Lawyer Newsletter - Halloween Issue October 2016

October 28, 2016

Download or read the complete newsletter here: [The Lawyers' Lawyer Newsletter](#)

- [Statements by Lawyer Relating to Investments — Liability to Third Parties for Negligent Misrepresentation](#)
- [Disqualification — Substantially Related Matters — Waiver of Conflict by Lack of Diligence in Seeking Disqualification](#)
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- [Motion to Withdraw — Meaning of Requirement to "Diligently Attempt" to Locate the Client](#)

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#### Statements by Lawyer Relating to Investments — Liability to Third Parties for Negligent Misrepresentation

*Chanin, et al. v. Machcinski, et al.*, 39 A.D.3d 490 (2016)

**Risk Management Issue:** Is a lawyer liable for representations made by the lawyer to a third-party investor who relies on the representations, thereby losing his investment?

#### Disqualification — Substantially Related Matters — Waiver of Conflict by Lack of Diligence in Seeking Disqualification

*State of Minnesota, et al v. 3M Company*, Hennepin County (Minn.), Court File No. 27-CV-10-28862 (Feb. 5, 2016)

**Risk Management Issue:** Does a client waive its former attorney's conflict of interest by failing to promptly seek disqualification after the conflicted attorney undertakes representation of a party adverse to the former client?

#### Disqualification — Overly Broad Scope of Engagement Creates Concurrent Representation Conflicts

*M'Guinness v. Johnson et al.*, 243 Cal. App. 4th 602 (2015)

**Risk Management Issue:** What can counsel for a closely held corporation do to avoid disqualification in the event of shareholder disputes?

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## **Motion to Withdraw — Meaning of Requirement to "Diligently Attempt" to Locate the Client**

*Caveman Foods, LLC v. Ann Payne's Caveman Foods, LLC*, Civ. No. 2:12-1112 WBS DAD

**Risk Management Issue:** When a lawyer or law firm wants to withdraw from an engagement in a matter involving litigation, what constitutes a "diligent attempt" to locate a client?

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